

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gopal, et al.

Serial No.: **10/736,815**

Filed: **December 16, 2003**

For: **Reduced Signaling Power Headroom
Feedback**

Docket No: **4740-235**

PATENT PENDING

Examiner: Bobbak Safaipoor

Group Art Unit: 2618

Confirmation No.: 5396

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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February 5, 2008

Date


Laura A. Wade

This correspondence is being:

- ☒ electronically submitted via EFS-Web

Telephone Interview Summary

The undersigned attorney received a scheduled telephone call from Examiner Safaipoor and his supervisor this morning. The call was requested by the undersigned to clarify the claim construction being used by the Patent Office in the Final Rejection. In particular, the undersigned asked for the telephone call to clarify the first paragraph on page 3 of the Final Office Action, in which the examiner construes the claim limitation of "receiving a transmit power headroom report from a mobile station" with Corazza's teachings that a mobile station selects a reverse link data transmission rate. The examiners were exceedingly polite and professional throughout the discussion, and the undersigned sincerely appreciates their patience and pleasantness; however, the undersigned is frustrated that he could not get the examiners to confirm, qualify, or otherwise explain what appears to be the facially unreasonable (and unsupported) claim construction appearing on pp. 2 and 3 of the Final Office Action.

Further, the examiners did not seem to disagree with the characterization that Fig. 1E in Corazza taught the generation of reverse link loading (RLL) indicators by a base station. On that point, the undersigned explained that RLL indicators and RLL calculations have nothing to do with the claimed limitations of a base station tracking the transmit power headroom at an individual mobile station based on receiving a transmit power headroom report from that mobile station. The examiners suggested that the claim term "transmit power headroom" for a mobile station was somehow ambiguous or general enough to tie in with these RLL teachings from Corazza, but offered no specific arguments for those assertions. Similarly, the undersigned pointed out that the secondary reference, Gopalakrishnan, taught "available transmit power" at

a base station, and not transmit power headroom at a mobile station, and that Gopalakrishnan was unrelated to the claimed limitations. Again, the examiners did not directly disagree with those characterizations, but would not clarify how or why they believed Gopalakrishnan still functions as an appropriate secondary reference for obviousness.

The undersigned indicated that he would proceed with a response, whether after-final arguments or appeal, based on the rejection arguments articulated in the outstanding Final Rejection. It was suggested that the Interview Summary entered by the Patent Office may include statements specifically advising the undersigned to consider particular teachings in Corazza and Gopalakrishnan. The undersigned will, of course, give due deference to all arguments made of record by the Patent Office.

Respectfully submitted,

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Dated: February 5, 2008

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